

### **REMARKS**

Claims 13-37 are pending in the application at the time of the Office Action. Claims 20-37 are rejected under 35 U.S.C. 101. By this response, Applicant has amended claims 20 and 31. Applicant respectfully submits that the amendment to the claims are based in the specification as originally filed and that no new matter has been added. Entry of the claim amendments is respectfully requested. As such, claims 13-37 are presented for the Examiner's consideration in light of the following remarks.

Reconsideration and allowance of the application is respectfully requested in view of the above amendments to the claims and the following remarks. Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

A. Examiner Telephone Interview

Applicant(s) and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on April 25, 2008. This response includes the substance of the Interview.

B. Objections to the Specification

The Office Action objected to the specification as failing to provide proper antecedent basis for "a computer program product." By this response, Applicant has amended claim 31 to recite "a memory" instead of "a computer-usable medium." The Examiner indicated that such an amendment would obviate the objection to the specification. As such, Applicant requests that the objection to the specification be withdrawn.

C. Rejection on the Merits

**1. Rejections under 35 U.S.C. 101**

Claims 20-37 are rejected under 35 U.S.C.101 as non-statutory subject matter. The Office Action asserted that claim 20 does not provide any concrete and tangible result. By this response,

Applicant has amended claim 20 to recite "outputting the key to be used by a run-time engine to get actual data of a corresponding leaf data element of the first data structure."

The Office Action asserted that Claim 31 recited software per se or a program per se. By this response, Applicant has amended the preamble of claim 31 to recite "a memory" instead of "a computer-usable medium."

The Examiner indicated that this would obviate the subject matter rejections for both claims. As such, Applicant respectfully requests that the subject matter rejection with respect to claims 20 and 31 be withdrawn.

Dependent claims 21-30 and 32-37 depend from independent claims 20 and/or 31 and thus incorporate the limitations thereof. As such, Applicant respectfully submits that claims 21-30 and 32-37 are in allowable form and request that the subject matter rejection with respect to these claims be withdrawn.

D. Allowable Subject Matter

The Office Action indicated that claims 13-19 were allowed and claims 20-37 were allowable when the 101 Rejection is overcome. The Examiner's statements of reasons for allowance for claims 13-37 are hereby acknowledged by Applicant. Applicant agrees that the claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Applicants takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Applicant may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Applicant as an indication of the basis for Applicants' belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Applicant to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Applicant agrees with or acquiesces in the reasoning of the Examiner, here, by this document, Applicant is expressly making clear that no such agreement or acquiescence is present.

E. Conclusion

In view of the foregoing, applicant respectfully requests the Examiner's consideration and allowance of claims 13-37 as presented herein.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1<sup>st</sup> day of May, 2008.

Respectfully submitted,

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